## INDEX

Of

## WITNESSES

Defense' Witnesses	Page
MINAMI, Jiro (resumed)	19843
Cress by Mr. Comyns Carr (cont'd)	19843
MORNING RECESS	19864
Cross by Mr. Comyns Carr (cont'd)	19865
NOON RECESS	19880
Cross by Mr. Comyns Carr (cont'd)	19881
AFTERNOON RECESS	19902
Cross by Mr. Comyns Carr (cont'd)	19903

Monday, 14 April 1947

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment, at 0930.

Appearances:

For the Tribunal, same as before.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese to English interpretation was made by the Language Section, IMTFE.)

Spratt & Yelden

MARSHAL OF THE COURT: The International

Military Tribunal for the Far East is now in session.

THE PRESIDENT: All the accused are present

except TOGO who the prison surgeon at Sugamo certifies
is too ill to attend the trial today. He is represented
by counsel. The certificate will be recorded and filed.

Mr. Comyns Carr.

JIRO MINAMI, one of the accused, resumed the stand and testified through Japanese interpreters as follows:

## CROSS-EXAMINATION

BY MR. COMYNS CARR (Continued):

Q General MINAMI, do I understand you to say that you were cooperating enthusiastically with the desire of the WAKATSUKI Cabinet?

A Yes.

Q The desire to do two things: to limit the incident and to maintain friendly relations with the League of Nations?

A That is so.

Q As a matter of fact, on the 22d of September when the question of sending reinforcements from the Korea Army to the Kwantung Army first came up, did you support it in the Cabinet?

A With regard to the sending of the Korean Army as reinforcements I expressed opposition.

Q I suggest that you supported it but were overruled by the cabinet?

A That is not so.

Q And that you continued to support it until finally it happened?

A Yes.

THE PRESIDENT: What does he mean? Sometimes the Japanese "yes" means "no," I understand.

Army would mean dispatch of this army to an area outside of Japan and therefore has very serious international importance. At the time it was the imperial prerogative of the Supreme Command. At this time I think the opportunity is just right for me to add a few words by way of explanation.

General HAYASHI, Senjuro, Commander in Chief of the Kwantung Army, viewing in front of his eyes the extremely acute situation faced by the Kwantung Army and faced by the fervent requests for reinforcement by the Kwantung Army, and this matter being one of extreme importance, I put the matter before the Cabinet for its deliberation.

First reports of the outbreak of the incident

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in Mukden was received in Tokyo on the morning of the 19th. Then for three continuous days, on the 19th, 20th and 21st, the Cabinet was in continuous session but arrived at no decision. I communicated the results of the Cabinet meeting to the Chief of the Army General Staff and then told him that the dispatch of the Korean Army to Manchuria must not be undertaken. Understanding the intention of the Government the Chief of Staff -- the Chief of the Army General Staff understood well the intention and policy of the Government and therefore in spite of repeated requests by General HAYASHI to send reinforcements from Korea to Manchuria did not give his approval. However, General HAYASHI had impatiently waited for three days. He was prohibited from sending reinforcements by the Chief of the Army General Staff; he had received no reply from the War Ministry and he was on edge. Therefore at last on the third day, that is, the 21st, unable to wait any longer, by an arbitrary decision of his own, sent forces across the border. The statement made by Baron WAKATSUKI in his affidavit that the Korean Army was sent across the border without the permission of the Government, the Chief of the Army General Staff and the War Ministry, is correct for a very serious question arose; whereupon, HAYASHI,

Senjuro was punished by His Imperial Majesty.

THE PRESIDENT: We are concerned more with the part that you personally played. What was that?

THE WITNESS: I was consistently opposed to any action carried on without the Government's permission and consistently maintained my position and had that position of mine and that of the Government well understood by the Chief of the Army General Staff.

Q Now, what I am suggesting to you is this: that as early as the 19th of September, and again on the 22nd, you advocated sending troops from Korea, in the Cabinet.

A Because I had heard from the Chief of the Army General Staff that HAYASHI desired to send reinforcements I reported the matter to the Cabinet.

Q I suggest that you not only reported it, but supported it.

A Yes, I did state to the Cabinet that we may have to support the application made by General HAYASHI and by the Kwantung Army regarding reinforcements.

Q And that whon they were sent contrary
to the orders of the Cabinet you did nothing about it.
What do you say to that?

A As I have said before, I told the Chief of the Army General Staff that it was outrageous for any action to be taken without the permission and approval of the Government. Therefore, the Chief of the Army General Staff transmitted word to HAYASHI of his punishment by the Emperor. Thereafter the matter was entirely that of the High Command.

Q General MINAMI, would you try to avoid

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repeating what you have said before and answer the questions.

What I asked you was: When General HAYASHI did send the reinforcements into Manchuria contrary to the orders you say you gave did you do anything about it?

MR. BROOKS: If your Honor please, I think the witness did answer the question, his answer was in response to that question.

THE PRESIDENT: I think Mr. Carr wants to know whether the order General HAYASHI gave was countermanded or whether they were merely satisfied to maish HAYASHI.

A As to reinforcements that had already been dispatched by General HAYASHI, the matter was already then in the hands of the High Command and not under the jurisdiction of the War Ministry, and therefore I did not do anything.

Q Do you mean to suggest that you could not take any steps to see that the orders of the Cabinet were carried out?

A The War Ministry has no authority to give punishment upon an official of the Shinnin rank, and efforts were made to stop HAYASHI from sending reinforcements by way of or through the Chief of the

Army General Staff.

Q And when those orders which you say the Chief of the Army General Staff sent were disobeyed what did you do?

A Nothing. The troops had already been dispatched, and thereafter the matter was entirely in the hands of the High Command by an Imperial Command order.

Q When was the Imperial Command order issued?

A On September 22, after the troops had already been dispatched.

Q Who advised the Emperor to issue that order?

A On the 22nd, as a result of consultation and discussion between Baron WAKATSUKI and myself, a report was made to the throne that the Korean Army by its own arbitrary decision had already dispatched forces outside the country, and following that consultation Premier WAKATSUKI went to the Emperial Palace and reported to the throne the fact that troops had already been dispatched and had been sent across the border outside of the country; and, therefore, as far as the Government was concerned there was nothing that it could do.

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Goldberg & Kapleau

o Why not order them to be sent back again?

MR. BROOKS: I don't believe the witness
had finished his previous answer, if your Honor
please.

A I should like to ask a favor of you.

Please do not ask me a question until I have
completed answering the previous one. At the time
'remier WAKATSUKI sent to the palace for his audience with the Throne, the Chief of the Army General
Staff also went to the palance for an audience.

In the light of the fact that troops had already
been despatched, this fact was recognized and thereupon an Imperial command was issued. That is all.

Q Now I will ask my further question. I did not know you had not finished.

Why not order the troops to be sent back again?

A Inasmuch as the government had already recognized the despatch of the forces outside of the jurisdiction of the country, after the troops had already been despatched no efforts were made to withdraw them.

THE PRESIDENT: I would persist in get-

Why were they not recalled?

THE WITNESS: Inasmuch as the despatch of troops across the border had been officially recognized by the Throne, I had no authority to prevail over that permission and I couldn't do anything about it on my part.

O But before it was officially recognized by the Inrone and instead of advising the Phrone officially to recognize it, why not order that they should be sent back?

MR. BROOKS: I want to object to that question. I don't believe the witness said that he officially advised the Throne.

THE PRESIDENT: He seems to know who did and we would like to know who they were and what advice they gave.

A That I do not know.

As a matter of fact, did not you personally with the Chief of Staff see the Emperor on the evening of the 24th of September and advise him to approve of the sending of these troops?

A Absolutely not.

Q And had you not previously on the same day pressed the same decision upon the cabinet?

A No. One word, please. You said the 24th, did you not?

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1	Q Yes.
2	A No, nothing of the kind happened on the
3	24th.
4	Q Did it happen on some other day?
,	A Aside from the fact that Premier WAKATSUKI
	and simultaneously with him the Chief of the Army
	General Staff called on the Throne on the 22nd, I
	have not made any visit to the Throne.
	o Did you urge in the cabinet on any date
	that the action of the Korean Army should be
	approved?
	A I did not urge, but I did say that it
	could not be helped.
	o It could have been helped, couldn't it?
	A It could not be.
	o Now, you say that you could not interfere
	with the Supreme Command, but could you not always
	control them by refusing to authorize the expense?
	A Yes
	And was it not suggested in the cabinet
	discussion
	MR. BROOKS: He did not finish.
	MR. COMYNS CARR: Didn't he? I beg your
	pardon.  A (Continuing) In peacetime there was a

Q Yes. A No, nothing of the kind happened on the 2 24th. 3 o Did it happen on some other day: 4 A Aside from the fact that Premier WAKATSUKI 5 and simultaneously with him the Chief of the Army 6 General Staff called on the Throne on the 22nd, I 7 have not made any visit to the Throne. O Did you urge in the cabinet on any date 9 that the action of the Korean Army should be 10 approved? 11 A I did not urge, but I did say that it 12 could not be helped. 13 O It could have been helped, couldn't it? 14 A It could not be. 15 Now, you say that you could not interfere 16 with the Supreme Command, but could you not always 17 control them by refusing to authorize the expense? 18 19 Yes --And was it not suggested in the cabinet 20 21 discussion --MR. BROOKS: He did not finish. 22 MR. COMYNS CARR: Didn't he? I beg your 23 24 pardon. (Continuing) In peacetime there was a 25

very intimate and close relationship between the Supreme Command and the War Minister, as it was through the War Minister that the policy of the government was communicated to the Chief of Staff, and therefore there was no means of conveying the policy of the government to the Chief of the Army General Staff -- to the High Command except through the War Minister or through the Navy Minister, and therefore -- and from that fact there is a very intimate relationship. However, there is a very clear distinction between that and the deployment of forces for operational purposes overseas, and therefore in so far as it does not -- it is not inconsistent with government policy, no interference is exercised. That is all.

THE PRESIDENT: Well, it was consistent with the government policy not to recall the troops?

THE WITNESS: Yes.

Now will you answer my original question?

Was it not always possible for you, both in peace and war, to control the General Staff by refusing the money for anything they did contrary to your policy?

MR. BROOKS: The objection I have, your Honor, is that these troops were already sent and

he keeps overlooking this fact, the prosecutor, in asking a question of this type. He asks, "Why enn't you prevent them by holding the money back?"

Then they were already gone.

MR. COMYNS CARR: In my submission that is a most improper interruption and I would like to be allowed to continue my cross-examination without such.

MR. BROOKS: If the prosecutor will quit trying to mislead the Court on this question or mis-state the facts, I will not have to interrupt, if your Honor please.

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THE PRESIDENT: He has not done either. The cross-examination, the effectiveness of it is being largely impaired by these interruptions and by the halting translation at times.

Q Now would you answer the question. I had better repeat it. Was it not always possible for you to control the operations of the general staff by refusing to pay the expense?

A The Government approved expenditures after the troops had been dispatched.

Q Try again. Answer the question.

A Yes, by rejecting money that could be done.

Q And was it not suggested in the Cabinet that that should be done on this occasion?

A At that time I did not think -- it had never been in my mind about rejecting expenditures. Not only that. If the troops were not dispatched, as it was the position that I took and the Government took, then such a necessity would not arise.

Q Now answer the question. Was it not suggested in the Cabinet that you should deal with this matter by refusing to pay the expense?

A No. I did not make any such suggestion.

Q Don't you know that that was not the question? Did anybody suggest it? 1,

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A None that I recollect. I do not think there were any.

Q But did you persuade the Cabinet to

Q But did you persuade the Cabinet to authorize the expense?

A No.

Q Now you say HAYASHI was punished. What was done to him?

Q With regard to that I think there is a more -- a very highly qualified person to testify here if necessary who is extremely well acquainted with the circumstances and also there are documents which would most eloquently explain that situation.

THE PRESIDENT: You must answer if you can.

THE MCNITOR: Preparation is made and document is ready.

THE WITNESS: It is not in my mind whatsoever,
Mr. President, to evade any question on some subject
matter with which I am well acquainted. I can very
well understand the words of you, Mr. President.

THE PRESIDENT: Well, you are doing yourself an injustice.

THE WITNESS: And also I am trying to state the facts as facts without concealing them.

THE PRESIDENT: You will convince us of that if you will answer questions. Listen carefully to

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the question and answer it.

BY MR. COMYNS CARR (Continuing):

- Q What was done to HAYASHI by way of punishment?
- A What I know is that he received punishment from the Emperor.
- Q Was he recalled and replaced by a general who would obey orders?
  - A Such a fact does not exist.
  - Q You mean he was not?
  - A He was not recalled or replaced.
- Q Well, now you spoke a little while ago of the distinction between the position in peace and war. Which was this?
  - A May I have the question repeated.

    (Whereupon, the interpreter repeated the last question.)
  - A Peacetime.
- Q Did it continue to be peacetime all the time you were in office as War Minister?
- A After the outbreak of the Incident in Manchuria, an incident was in existence. From the 18th of September when the Incident broke out until I resigned on the 13th of December an incident was going on. Prior to that was peacetime. General HAYASHI dispatched troops during the Incident.

Q Was the Incident peace or war?

A It is closer to peacetime -- wartime.

Q When you were interrogated before this trial began, did you say this? Exhibit 2207, top of page 3: "While you were Minister of War in 1931"--

THE MONITOR: Mr. Comyns Carr, we are looking for the document, sir.

MR. COMYNS CARR: Prosecution document 1869, or is it 1889, I am not quite sure -- 1869.

THE MONITOR: On which page is it, sir?

MR. COMYNS CARR: Top of page 3 in the

English. It is only one sentence.

THE MONITOR: All right, sir.

Q "While you were Minister of War in 1931 the Japanese Army waged war upon China, did they not?

"A Yes." Did you say that?

A Yes, I did.

Q What is the object of calling it an Incident?

A At that time because of a sudden clash between Japanese and Chinese troops, it was called an Incident because the situation was not a peaceful one and the situation was not such as would call for an open declaration of war. It was called an Incident because it was regarded that this Incident could be settled locally.

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Q Was it then an undeclared war?

A Yes.

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Whalen & Wolf

	Q	And	wasn	t	it	called	ar	Incident	in	the
hope	of	dece:	iving	th	le.	League	of	Nations?		

- A We did not even think of it and we never thought of it.
- Q Now, on or about the 30th of September did you propose in the Cabinet that troops should be sent to Chientao?
  - A That is in 1931?
  - Q Yes.
  - A No.
- Q Did WAKATSUKI say absolutely no, it was better to evacuate the nationals if there was any danger?
- A I do not recall. Not only that, it is inconceivable.
- Q Now, about the League of Nations: On or about the 1st of October, 1931, did you attend a Cabinet meeting at which the accused SHIRATORI of the Foreign Office was present?
  - A I do not remember.
- Q Did he ask for a clarification of Japan's policy in Manchuria before the meeting of the League Council on the 14th of October?
  - A I do not remember.
  - Q Now, did such a thing happen in the absence

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of sHIRATORI; did SHIDEHARA put that question?

A I do not remember.

Q Did one or other of them ask whether the Japanese troops were going to be withdrawn before that date?

A I do not remember.

Q Did you say that rather than withdraw the troops Japan should withdraw there and then from the League of Nations?

A I do not remember.

Q You really mean to say that you have forgotten whether you made such a remarkable proposal as that?

A Yes.

MR. BROOKS: I would like to ask if the prosecutor has anything to show in evidence that he did make such a proposal or whether he is just taking this out of thin air?

MR. COMYNS CARR: I am asking questions, your Honor. When I desire to put the document to the witness I shall do so.

Q Now, I propose to refer to the -- I beg your pardon, I didn't get the answer to the question. Has he answered it?

A I have already replied "I do not remember."

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Q Now then, I am now going to refer to exhibit 2204-A, prosecution document 1426. Will you listen, General MINAMI, to this statement which you issued on the 18th of October 1931? I am beginning with the quotation in the third line: "It is doubtful whether United States intervention would contribute to the settlement of the matter in question, that this matter should be dealt with directly between Japan and China, that we cannot admit the intervention of any third party and that whatever steps the League Council would take with the United States, it is quite evident that Japan would under no circumstances alter her policy in regard to the question that has a bearing upon her national vicissitude."

A Yes, I stated exactly as read.

Q Yes. Wasn't it the position then that as the cabinet wouldn't agree with you in withdrawing from the League, you were defying them?

A That is not a fact.

Q Well now, around about -- on or shortly before the 22d of October 1931 did you say at a cabinet meeting that there was no need to pay any deference to the League of Nations?

A Whether I used such language or not I do not know. But there was an occasion when I spoke in some

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1 such sense.

Q At a cabinet meeting?

A There is no talk of that nature which was ever decided upon at the cabinet.

Q I didn't ask you whether it was decided. I asked you whether when you said that you had used such language you used it at a cabinet meeting?

A I might have said something to that effect as an individual, but not at a cabinet meeting.

Q Where did you say it?

A I do not remember.

Q Well, I suggest you used it at a cabinet meeting, and you went on to say: "There is no objection to seceding from the League."

A I have never ever made any such a suggestion or remark at a cabinet meeting.

Q Did you say at the same cabinet meeting:
"Should Japan be determined to wage war against the
whole world, secession from the League could be
readily done?"

MR. BROOKS: May we have -- the defense have identified the cabinet meeting, or the exhibit that the prosecutor is talking from? I would like to follow any questions on it.

THE PRESIDENT: The Tribunal will insist on

that in due course, but not at this moment.

MR. BROOKS: I make that statement, your Honor, because we have been leaving those things without identifying them in the record, and I have found two or three places where they have been misquoted, and I would like to have the Court not be misled.

. THE PRESIDENT: We will recess for fifteen minutes.

(Whereupon, at 1045, a recess was taken until 1100, after which the proceedings were resumed as follows:)

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MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

BY MR. COMYNS CARR (Continued):

Q General MINAMI, I was asking you about a cabinet meeting shortly before the 22nd of October. Did you, at that meeting, say that, "should Japan be determined to wage war against the whole world, secession from the League could readily be done"?

A I did not.

Q And I suggest that, after making the statements which I have put to you, you then left the meeting without waiting for the answer; is that so?

A No.

about a proposal to send troops to Chintao, and it has been suggested to me that you may have misunder-stood the name of the place. The place I am referring to is in Manchuria, close to the Korean border. Did you, on or about the 30th September, suggest to the cabinet that troops should be sent there?

A Yes.

Q Oh, you did. And did WAKATSUKI, on that occasion, say "absolutely no. It will be better to evacuate the Japanese nationals."?

A He did not.

Q Did the cabinet refuse permission to send troops there?

A No.

Q Shortly afterwards, was there an incident in that place brought up by a Korean at the request of the Japanese Army?

A I think the Koreans constituted about sixty per cent of the population -- the total population of Chintao. I recall that some kind of a disorder took place because of their desire to carry on an independence movement. And my understanding of it, as I heard it, is that the objective of the movement -- the object of the movement was to separate themselves from Manchuria; and, because of that fact, there was quite a bit of a movement to enlist Japanese support. I suppose that is the incident which you just referred to in your question.

Q Yes, but was not the disturbance caused by a Korean who admitted that he had done it at the request of the Kwantung Army?

A Whether or not the Kwantung Army ever made such a request, I do not know.

Q Was it not so reported to you?

A No. I did not hear -- I do not know.

Q After the disturbance, did the Kwantung Army

occupy that place?

A I do not recall. But, as I would size up the situation, the Kwantung Army did not have any reserve or any strength in reserve to undertake such action.

Q And I suggest to you that it was done in spite of the cabinet having refused permission when you suggested occupying it.

A No, that is not so. That requires some explanation. Is that September the 30th? That, I suppose, relates to something that occurred after the outbreak of the Manchurian Incident.

Q Yes.

A Then, naturally, there would be no cabinet opposition or cabinet decision opposing it. Not only that, I do not recall any opposition shown by the cabinet.

Q But I thought you told us that the cabinet resolved, and it constantly remained their resolve, that the incident should not be extended and that you agreed with them.

A Yes, I have so stated.

Q Yes. Well, now, I am suggesting to you, and you agreed, that you had proposed sending troops to this place.

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A Yes. I made that suggestion, but I should like to add a few words by way of explanation. Chintao is a sort of a special district which Koreans developed -- whose lands Koreans developed over a course of many years; and, after the outbreak of the incident, a part of the army, under the command of General HAYASHI in Western Korea, was despatched to that place. And Chintao had very close and intimate relationship with North Korea; and I deemed it proper to despatch troops to Chintao, and I advocated the despatch of such forces. But this took place after the Imperial Command order was given, giving permission to send forces across the border. I say very positively that this was not inconsistent with the cabinet's decision.

Q Was this expedition of the Korean Army that you have been speaking of a separate and additional one besides the one you have already told about?

A Yes, it is a separate one.

Q And do I understand you to say that, because the Emperor had sanctioned the previous unauthorized expedition of the Korean Army, that justified you in ordering another?

A That is a purely High Command matter over which a minister in the cabinet cannot interfere.

And, therefore, the despatch of troops to Chintao was in accordance with a Supreme Command order.

Q But you said just now that you had ordered it.

A I did not issue such an order. I think there is a mistake on your part.

- Q Did you sanction it?
- A Yes, I approved it.
- Q Well, now then, another subject

THE PRESIDENT: Are you going to refer to that meeting on the 22nd of October or thereabouts referring to the League of Nations and Japan fighting the world?

MR. COMYNS CARR: Your Honor, I had asked all the questions I proposed about that particular meeting.

THE PRESIDENT: He did not seem to remember anything, and you can accept his denial, certainly.

MR. COMYNS CARF: Your Honor, it is a matter about which we may very well tender evidence in rebuttal.

THE PRESIDENT: You have an obligation, if you wish to test his credit on a prior statement, to refer him to the statement, the place where it was made, the time when it was made, and the occasion

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under which it was made. I think you have done that. You have said it was a cabint meeting on a certain date, and it was about a certain matter. I see no further obligation on you.

MR. BROOKS: If your Honor please, I would like to have -- if the 22nd of October meeting is an exhibit -- the number of the exhibit; and, if not, I would like to have the prosecution offer it for identification -- such statement. I don't know, and the Court does not know, that he ever made such a statement.

THE PRESIDENT: It could be tendered now during cross-examination. It is one of the exceptions to the rule that collateral matters cannot be proved, but it is for the prosecution to say whether they will tender it or not.

MR. COMYNS CARR: Your Honor, if I am referring to an exhibit, as I have said before, I mention the number of the exhibit. If I am referring to a document which emanated from this witness, I will put it to the witness and seek to have it made an exhibit number. But, if I am referring to a document which is neither an exhibit nor emanating from this witness, then, in my submission, the proper time to tender it, if at all, would be in rebuttal.

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As far as the cross-examination is concerned, unless I refer to an exhibit or a document which this witness can identify, which emanated from him, I am merely putting a question.

THE PRESIDENT: And, if it goes to the issue and not merely to credit, you can tender it in rebuttal.

MR. BROOKS: I assume then, your Honor, if the prosecution does have such cabinet meeting minutes, they will be put in evidence. BY MR. CARR (Continued):

Q Now, General MINAMI, at this time, immediately after the outbreak of the incident, who was really in control of the Kwantung Army?

Commanding General HONJO.

I suggest to you that it was really the accused ITAGAKI and two other staff officers, one of them being ISHIHARA.

My understanding is that, of course, these men were very influential and capable officers, but they could not put any -- undertake any action without consulting the commanding general, HONJO, and -because he held the highest authority in the Kwantung Army. And my understanding is that these men, of course, were superior staff officers, but the

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final word was given by the commanding general.

Q On or about the 20th of September, 1931, did WAKATSUKI have two interviews with you on the same day?

A I don't remember very well, but we have had discussions quite often.

Q Did he inform you that he had received reports from the Manchurian Railway that the young staff officers had almost completely ignored the commander and tried to run things as they pleased?

A I don't recall. Yes, but I have heard rumors to that effect not only from WAKATSUKI but from other circles as well.

Q Well, I thought so. Was one of them from MORISHIMA, the section chief of the Asia Bureau? Did you hear that from him either directly or through SHIDEHARA?

A Yes, I heard various rumors through SHIDEHARA.

Q Yes.

A But I have never met MORISHIMA.

Q Did you know that SHIDEHARA had sent MORISHIMA to Mukden to make inquiries on behalf of the Foreign Ministry?

A I don't know.

MR. FURNESS: If the Court please, I object

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to that question on the ground that it is not in conformity with the evidence as introduced. MORISHIMA was vice-consul at Mukden and was not sent for any such purpose.

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MR. COMYNS CARR: Then it isn't the same MORISHIMA that I am referring to now.

Q Did SHIDEHARA say that MORISHIMA -- that the section chief of the Asia Bureau had reported that Consul-General HAYASHI's life was in danger because the army considered him an obstacle?

A No, he did not.

THE PRESIDENT: What was the section chief's name?

MR. COMYNS CARR: I understand the same name, MORİSHIMA.

Q Did SHIDEHARA say that according to MORISHIMA's report General HONJO was in a state of restriction to quarters?

A No, I didn't hear anything like that. That was beyond our imagination.

Q That ITAGAKI, ISHIHARA and another staff officer named HANATANI were the center of activities in Mancharia?

A No.

Q That the chief of staff of the Kwantung Army

was unable to control them and they did what they liked?

A I did not hear anything to such an effect from SHIDEHARA, but I cannot conceive of them leading or guiding the chief of staff. May I add a few words?

Capable and superior staff officers of the Kwantung Army were active but I do not think that they were directed by the Chief of Staff. However, I believe that these officers consulted the Chief of Staff before taking any action.

Q Now you told me just now that you had heard rumors to the effect that I mentioned. Where did you hear them from?

A I don't remember exactly where but such rumors I got from the press, from visitors from Manchuria and from various peoples during daily conversation.

Q Did SHIDEHARA tell you that according to MORISHIMA these three men boasted that the plot was planned long ago?

A No.

Q Did you hear that from any of the sources that you have mentioned?

A Yes, there was such a rumor but I have always rejected it.

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Q But it was a runor entertained by Japanese as well as other people, was not it?

A Yes, there were rumors but as I just said a while ago I denied them.

- Q You might have denied them but didn't you know they were true?
  - A No, they were not true.
- Q Now, did SHIDEH RA tell you of these men boasting that on the 25th of July an artillery battery was already made ready in Mukdon?
  - A No, I haven't heard that from him.
  - Q Did you know it was a fact?
- A It was only after the outbreak of the Manchurian Incident that I heard of any attack by artillery fire, and after I sent -- I had the Incident investigated I learned for the first time that the artillery was brought up from Port Arthur.
- Q was not it -- in fact, were not two heavy guns sent from Tokyo?
- A That is not a fact. As a matter of fact, we couldn't do anything as foolish.

THE PRESIDENT: Where did those guns come from?

THE WITNESS: Those guns were sent up from Port Arthur. They were at the fort at Port Arthur.

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Q How did they get to the fort?

A They had these guns at Port Arthur a long time. I should think that they were the same guns which were used at the time of the Russo-Japanese War.

- Q Who ordered them to be sent to Mukden?
- A That I did not have investigated.
- Q Why not?

A We learned of these guns being sent up as a result of an investigation carried out by Colonel ANDO who was dispatched to the spot.

Q Did you learn that the order had come from NAGATO, the chief of the Military Affairs Section in your ministry?

A I do not know. I have hered that suggestion only for the first time today and, therefore, I said that I have never heard such nonsense in all my life. There is nothing so nonsensical as the War Ministry sending guns to Mukden. I think it was merely the removal of guns which were at Port Arthur.

THE INTERPRETER: The previous one was: "I don't think there was anything so nonsensical as the War Ministry sending those guns to Port Arthur," not Mukden.

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Did you not hear General TANAKA testify that the accused ITAGAKI told him that in 1935? Yes. Well, then, why say you heard it for the first time today? Well, maybe I said a little too much. But I do not believe in the testimony of General TANAKA. These guns being extremely large, there might have been some kind of a discussion between the Chief of the Military Affairs Bureau, NAGATA, and Kwantung Army officers with respect to their shipment from Port Arthur to Mukden. Is it true that they had a range of fifteen miles? Not being an expert in that field, I do not know. But I think the range was -- I think the shells could be fired quite a long distance. How long had the Japanese Army had guns with that range? Since the Russo-Japanese War. Now I will come to the question of Manchurian independence and the transfer of Pu-Yi to Mukden. About the 26th of September, did you hear a report from the Ministry of Overseas Affairs that

DOHIHARA and others in the army were planning to

reinstall Mr. Pu-Yi as Emperor of Manchuria?

A No.

Q Did you take any steps to stop such a movement?

A Well, first of all, I have never heard of such nor received any reports to such effect that there was no action, no measures to take -- there was nothing to take measures against.

Q I was going to suggest to your credit that you did take some steps to try and stop it. But you say not. Is that so?

A Yes. In September, if that is the case, I did not know anything about it so I did not take any action.

Q Now, in your affidavit you say that the cabinet decided that no military administration was to be established. That decision was on the 21st of September.

A That is so.

Q And that you communicated that decision to Commander HONJO.

A Yes, I did.

Q Do you know that Colonel -- as I think he then was -- DOHIHARA was appointed Mayor of Mukden the morning after the outbreak of the incident?

A Yes.

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Q Do you know how long he continued to hold that office? A I don't recall the dates exactly, but I think 3 he was in the post of Mayor for only a short time, one or perhaps two months at the most. Q Yes How was it when you had conveyed that 6 order to HONJO on the 21st of September that it 7 wasn't carried out for one or two months afterwards? A I should think it was because of the acute 9 state of disorder prevailing in that large city of 10 Mukden and that it was a temporary measure to restore 11 and maintain law and order in that area. 12 Therefore, you didn't mind your order being 13 14 disobeyed? I think, as a matter of fact, that that step 15 was unavoidable in the light of the situation. 16 Now, was also a body known as the Self-17 18 Government Guidance Board in Mukden? A At that time I did not know of its existence. 19 20 I heard of it much later. 21 Did not SHIDEHARA communicate to you the 22 reports that he was receiving from Consul General 23 HAYASHI on that subject? A He did not. Only SHIDEHARA spoke of receiving

various reports from the Consul General at cabinet

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MINAMI

meetings, and I have never seen anything concrete, that is, the telegram itself or the contents of the telegram.

CROSS

Q If you doubted what SHIDEHARA told you, you could have asked him to see the telegram, couldn't you?

A Well, SHIDEHARA had trust and confidence in me -- I trusted Baron SHIDEHARA implicitly, and therefore I me ver asked him about telegrams each time they arrived.

THE PRESIDENT: We will adjourn until half-past one.

(Whereupon, at 1200, a recess was taken.)

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## AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International

Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Comyns Carr.

JIRO MINAMI, one of the accused, having been previously sworn, resumed the stand and testified through Japanese interpreters as follows:

## CROSS-EXAMINATION

BY MR. COMYNS CARR (Continued):

Q I was just asking you about the Self-Government Guidance Board in Manchukuo, in Mukden, and the reports coming from Consul-General HAYASHI and others in Mukden about it. Did Mr. SHIDEHARA inform you that DOHIHARA had said that he was guiding the local Chinese committee?

- A No, I did not hear it from him.
- Q Did you hear it from anybody?
- A No.

Q Did he inform you that DOHIHARA had ordered the local Chinese committee against its wish to set up a Board of Finance and a Board of Industry?

A No, he did not.

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Q Did he inform you that DOHIHARA had prohibited the setting up of another Chinese committee because the only one must be the one which he controlled and the army supported?

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A No, he did not.

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Q I am suggesting that you received all that information before the 8th of October, 1931, and that on that day the matter was discussed at a cabinet committee?

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THE MONITOR: Mr. Carr, do you mean cabinet conference?

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MR. COMYNS CARR: Cabinet meeting.

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A I do not recall that.

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Q Did Mr. WAKATSUKI inform you on or about the 8th of October that Japan had stated to the world that she did not harbor territorial ambitions and that if an independent government was set up in Manchuria the army should have nothing to do with it?

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A Yes.

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Q Did he say that if they did it would be a violation of the Nine-Power Treaty?

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A He might have said so but I do not remember.

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Q Did you care whether it violated any treaties or not?

A At that time I did not think that the Manchurian Incident was in violation of treaty. I thought that the action taken at the outbreak of the Lukuochiao Incident was a legitimate defense and in exercise of the right of self-defense. My interpretation of it was that the incident was not a treaty violation but an unavoidable exercise of the right of self-defense.

Q Do you think so still?

A That is how I felt at the time the incident began. After it expanded, that is another question; but I still do believe now -- I still do believe so now.

Q Did you think that after it expanded it became a violation of the Nine-Power Treaty?

A I do not think so.

Q Did you agree with WAKATSUKI that if the Japanese Army assisted in setting up an independent government in Manchuria that would be a violation of the Nine-Power Treaty?

A There as no case of the army assisting that movement.

Q Answer the question. If they did, do you think it would be a violation of the Nine-Power Treaty?

A Yes.

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Q But when WAKATSUKI asked you to stop it on that ground did you tell him that you couldn't answer then whether you would or not but wanted some time to think it over?

A No, I did not.

Q What did you tell him according to you?

A As a matter of fact such a question was not asked me. Not only that, an independent movement was at that time inconceivable. Such an idea might have been entertained by some of the people in Manchuria but during my tenure of office as War Minister that thought never even occurred in my mind. In this connection, I have recalled one matter which I should like to convey to this Tribunal. May I do so?

Q Before you do so, may I remind you that only a few minutes ago you agreed with me that WAKATSUKI did speak to you about this matter. Now I am asking you what answer you gave to WAKATSUKI when he spoke to you?

A I told him that such thing was unimaginable.

Q Now if you wish to add something, please do.

A I think it was around the middle of October,
1931 when the United States Secretary of War, Mr. Patrick
Hurley, suddenly made a call on me. Mr. Hurley was
Secretary of War in the Hoover Cabinet. His mission

was to survey and investigate conditions in the Philippines and it was on his return home to the United States that the Manchurian Incident broke out. On account of that incident he paid me this sudden call.

At that time Mr. Hurley said that he was to return to the United States immediately after completing his investigation of conditions in the Philippines but that in the light of the new situation he was exceedingly desirous of meeting me, the War Minister, directly to ask me about the incident. At that time Mr. Hurley addressed me three simple and direct questions:

First question: How did the Lukuochiao Incident break out?

The second question: How far were the hostilities going to continue?

And the third point was: Is Japan going to occupy Manchuria? Is Manchuria going to be made a protectorate of Japan or is Manchuria going to become an independent state? That was the third question.

With regard to the first question I replied that the Lukuochiao Incident occurred as a result of the destructive action by regular troops of the Chinese Army, and that the Japanese had taken action in exercise of a legitimate right of self-defense for the protection of their interests.

In reply to the second question I said that hostilities had already begun, but that it was the policy of the Japanese Government to do whatever was in its power to bring about a local settlement of the incident, and that it was going to pursue a policy of nonextension and nonaggravation. However, that the Japanese Government was unable to predict how far the hostilities might be extended, it all depending on the actions that might be taken on the Chinese side.

With regard to the third question I said that Japan had never at any time conceived of the idea of taking Manchuria as her territory or to make Manchuria a protectorate of Japan, nor even to assist in the independence of that country. And finally I said that this was the policy of the Government of Japan and that as a Cabinet Minister I supported this policy.

And, therefore, with regard to the question

that was asked of me awhile ago I must say that such a thing had never at any time occurred in my mind at that time. Mr. Hurley well understood my explanation of the situation and told me that it was worthwhile seeing me because he had carried out the purpose of his call on me and gave me his photograph as a souvenir.

I feel that what I have just related to you will be of some assistance to you with regard to your question because the remarks that I made to Mr. Hurley were straightforward remarks which were consistent with the situation as it then existed.

Q When did this conversation with Mr. Hurley take place?

A I do not remember the date, but I think it was in the middle of October.

Q Then it was after the 8th of October, on which date you agreed with me that WAKATSUKI had told you about this independence movement being supported by the Kwantung Army?

A Well, I do not know the details or exact date. I do not know whether it was before or after, but I do not recall WAKATSUKI ever telling me about the army supporting the independence movement in Manchuria, nor had I ever imagined such a thing at

that time.

Q Now you told me a little while ago that DOHIHARA remained Mayor of Mukden for one or two months.

A Yes, I said so.

Q Were you informed in the Cabinet that HAYASHI, the Consul General, had reported on the 16th and 19th of October that DOHIHARA was retiring in favor of a Chinaman nominated by himself?

A. No -- yes, I do not know exactly how long DOHIHARA was Mayor. I said a little over a month but not more than two months, but I think it was just a little over a month. However, he occupied that position for the purpose of maintaining law and order, and that a Chinese successor had been appointed was reported to me by the Kwantung Army.

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Q Did anybody tell you that the Chinese successor was a man chosen and recommended by DOHI-HARA?

MR. WARREN: If your Honor pleases, I want to object to this question and a part of the last question. It is assuming a fact not in evidence, and certainly it is not covered by this man's direct examination.

THE PRESIDENT: I do not know of any rule of evidence which prevents a witness being cross-examined on matters which it is intended to prove later. There is no limit to the cross-examination of this witness except such as we care to impose in the interest of justice. The cross-examining counsel can put to this witness matters which he, the cross-examining counsel, intends to prove.

MR. WARREN: Your Honor, I understand that, but I thought they had rested their case in chief, and I thought they would be permitted to put on the rest in their rebuttal testimony. There is no evidence in this entire record to show that DOHIHARA ever nominated anybody to succeed him.

BY MR. CARR (Continued):

Q Were you informed that the Japanese officials who had assisted DOHIHARA as mayor were in future to

act as advisers to his (hinese successor?

A No, I do not. It was impossible for me to be informed of such sma'l details -- such details.

MR. WARREN: Your Honor, if counsel has documentary evidence which he intends to introduce later by way of rebuttal, I should like him to have them marked for identification so we will know what they are. I don't think he has them.

MR. COMYNS CARR: The last remark is unnecessarily offensive. I am not bound to base questions on documents. I may or may not do so. I am, in my submission, entitled to ask the witness the question whether there is a document, referring to it or not, and I understood the Tribunal's rule this morning already on this very same objection by another counsel that there was no necessity to have documents marked now unless they were documents which it was desired to prove through this witness.

THE PRESIDENT: Or which bore on credibility alone, and these documents are not so confined, as I understand the position.

MR. COMYNS CARR: Certainly not, your Honor.

THE PRESIDENT: If you expressly refer to

documents not already in evidence, then, following
the practice of this Tribunal, we will ask you to

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tender it for identification at the end of the examination. I have been imposing a limitation on cross-examination which may not be shared by all my colleagues. It is this: You should not put to the witness matters which you cannot hope to prove and which are not confined to questions of credibility.

IR. BROOKS: I take it, your Honor, that, if the prosecution asks the witness, on a document that he says he has, as to what the witness has stated, and the witness states he does not or he didn't say it, the prosecution is bound by the answer unless the prosecution puts the document into evidence to show that he didn't state therwise.

MR. COMYNS CARR: Your Honor, nobody would dispute that proposition. But the question is, at what stage it is proper to produce the document; and, in my submission, unless it is a document which the witness can identify of his own knowledge, the proper stage is in rebuttal.

MR. BROOKS: I submit, your Honor, that, when we are talking of matters that occurred twenty-five or twenty-six years ago, the witness should, at the close at least, be given a chance to refresh his recollection on what was said and to call back into his mind those facts. We should also have the

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right of redirect examination over the same points if there is any matter that needs clearing up.

MR. COMYNS CARR: Your Honor, I put my questions quite clearly; and, in my submission, it couldn't help the witness to look at a document unless it is his own document.

THE PRESIDENT: In such case, you ought to tender the document for identification if you refer to it, but that is all you can be expected to do.

MR. COMYNS CARR: If your Honor pleases.

Might I submit, however, that, when I am merely
putting a question without reference to the document
as a document, the fact that the question is based
upon a document is immaterial and does not require
it to be produced at that stage.

THE PRESIDENT: Well, is there anything in doubt? Proceed with the cross-examination.

MR. COMYNS CARI: If your Honor pleases.

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Q Did you ever make any inquiries as to who this Chinese mayor was and how he got appointed?

A No.

affidavit that when the cabinet decided that no military administration was being established and that the Japanese should not participate in any movement to establish a new government in Manchuria, you tried to carry out those resolutions?

A Yes.

o Well, in those endeavors didn't it interest you to know, in the first place, why DOHIHARA remained mayor for a month and then how his successor had become appointed?

est to me, but I didn't have any direct connection with such details. They were left up to the Kwantung Army; but probably on the 24th or 25th of September-- I don't recall which -- I telegraphed instructions to the commanding general of the Kwantung Army, stating that military administration must not be established in Manchuria, and I firmly believe that the Commander-in-Chief of the Kwantung Army loyally abided by the instructions I sent, and now DOHIHARA

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was not interfering with the internal political affairs of Manchuria, but he was primarily engaged in the maintenance of law and order, and I believe that that was the duty he was carrying out.

THE MONITOR: Maintenance of law and order in Mukden.

THE WITNESS: If I am to explain my motive in issuing instructions not to establish military administration in Manchuria, it is this: that there were rumors reported to the effect that an administration, a military administration, was being considered in Yingkow, and after hearing of such a rumor we took precautions that that was not carried out, and it was for that purpose and with that in mind that instructions were sent out ordering to the effect that military administration must not be established.

O Baron SHIDEHARA was particularly interested in seeing that those instructions were carried out, wasn't he?

A Ves.

And you say that he did not inform you that he was receiving reports that the exact opposite was happening?

A No.

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Q New, coming back to this self-governing guiding board, did you make any inquiries as to who it consisted of?

A No.

Q You have heard the testimony of KASAGI that it was directed by ITAGAKI, financed by the Kwantung Army, and the friendly Chinese were supplied by DOHIHARA, have you not?

A Yes, I heard it for the first time.

Q And that about ninety per cent of the staff were Japanese?

A Yes, but I heard of this the first time from the mouth of KASAGI in this very Tribunal.

I have never heard of it when I wa War Minister.

Q Were you interested to inquire about this committee or oard, how it got established and who was operating it?

A No.

Q In spite of the fact that the cabinet had received reports about it, as you say in your affidavit and had thought it necessary to warn the Kwantung Army not to take part in it?

A Yes, I did my utmost to transmit in full the policy of the cabinet, but I did not conduct any inquiries into minute details. I was without

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knowledge and uninformed about such details. Did you ever ask SHIDEHARA whether, according to his information, the orders were being carried out? A No. And did he never inform you that he was

getting reports to show that the exact eprosite was being done by the Kwantung Army?

Α Nc.

Now, with regard to the position in Tientsin, did SHTDEHARA keep you informed as to the reports he was getting from Consul-General KUWASHIMA in Tientsin?

You have heard those read in evidence, haven't you?

Yes, I did. A

Those are exhibits 289 to 294, inclusive, Q and 300.

Before I refer to them in detail I will ask you about the --

MR. WARREN: If your Honor pleases, apparently this witness desires to finish his answer. He has been waving his hand frantically.

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THE WITNESS: In many cases I am often cut off from replying in full, and I have been given no opportunity to say what I wished to say.

THE PRESIDENT: That is not true. We has been given every opportunity. We may be under a misapprehension at times. That is always corrected by counsel.

O If you have anything to say which has anything to do with my question, please say it.

A I was just on the point of saying this with regard to the KUWASHINA telegrams which have just been referred to: I must say that I have heard of them for the first time in this Tribunal. I have never heard of them in the cabinet from Baron SHIDEWARA, nor have I seen such official documents myself.

O Did Baron SHIDEHARA inform you to the effect of those telegrams:

A No.

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Now, in your affidavit, the latter part of page 7, you referred to the letter, exhibit 278, and you say it was brought to you by a messenger of the Emperor who had been residing in Tientsin, and you say that the messenger gave you through your secretary an oral message as well.

Yes.

Then you go on to say: "As there was no reason for me to believe the words of such a messenger -- " Why not? What was the matter with the messenger?

At that time it was the policy of the WAKATSUKI A Cabinet not to connect itself with any movements or plans either in Manchuria or in Tientsin, And here a messenger comes with a message from Pu-Yi, a former Emperor with whom I have never had any opportunity before of meeting. So, first of all, this messenger couldn't be trusted, and, second was that it was the government policy never to meet with any such person. And, therefore, it was natural for me as a cabinet minister not to meet the party.

Now, would you mind answering the question? Why did you say there was no reason for you to believe the words of such a messenger?

Because I did not place my trust in accepting

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anything from a person of such a status as a former Emperor with whom I have never had any previous occasion to meet. Q But that isn't a reason why you shouldn't believe the messenger. Why didn't you believe the messenger? Well, the reason which I have just stated is the real reason. I have no other reason to give you. The messenger was a Japanese, wasn't he? That is so. believe him?

Yes. Was that a reason why you wouldn't

No. It isn't a question whether the messenger was Japanese or Chinese or otherwise. I doubted the fact because I doubted that an ex-Emperor would send such a message.

Oh. So you thought the letter was a forgery when you got it, didn't you?

I did not know whether it was genuine or a forgery; that I did not know.

And isn't that why you say you asked Cheng Hsiao-hsu four years later whether it was a forgery or wasn't? Isn't it?

Yes, I asked him because I did not know whether it was genuine or not.

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Q Where did you get the idea from, or why do you suggest that this letter had anything to do with a separatist movement in Manchuria?

Well, to start with, /I did not know whether it was a genuine letter or a counterfeit, a forgery; and, at that time, I did not give it much importance and left it tadrawer of my desk and it was some years -- a few years later when I was cleaning my drawers, when I had some time, that this letter came to my notice again. At that time I had it translated and it was then that I knew the contents of the letter. And when I read the translated text of the letter I found it to be very interesting, and thinking that it was an interesting document in the light of the Manchurian Incident, I decided to keep it among my souvenirs. However, it would have value as a souvenir only if it were genuine, not if it were counterfeit; and, therefore, when Cheng Hsiao-Hsu, who was a loyal subject of Emperor Kang-Teh serving close to the Emperor, being very familiar and acquainted with the handwriting of the Emperor, I asked him, when he came, whether the writing on this particular document was genuine or not. Cheng Hsiao-Hsu having told me that this was the real thing I decided to keep them among my

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souvenirs.

Q I have been very reluctant to stop you, but do you realize that not one word that you have uttered has anything to do with the question I have put?

A Unfortunately, but I do not know.

Q Well, I will put the question again: Why do you suggest, if you do, that this letter even if genuine, has anything to do with the separatist movement in Manchuria?

A I do not understand the question.

THE MONITOR: Will the American court reporter read the last question, please.

(Whereupon, the last question was read by the Official Court Reporter.)

A (Continuing) Well, I kept this letter because I thought it was highly interesting in the light of current developments in Manchuria, because it was written in the handwriting of the very man who had been restored to the throne of Manchuria and became its Emperor and it was interesting to know what was in the mind of Pu-Yi at that time.

Q Well, if you won't answer I will not pursue it further.

A Just a moment, please. I am trying to

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answer your questions, If you say I am not, then it is unfortunate that I am not hitting the target.

Q I will pass on to page 10 of your affidavit, in the middle of the page. You say: "In the later part of November when a riot broke out among Chinese troops in Tientsin a request came from the North China garrison for reinforcements."

Who told you that a riot had broken out among Chinese troops in Manchuria -- in Tientsin?

A A report to the effect was received from somewhere; it might have been the Tientsin garrison; it might have been the Kwantung Army, but a report to that effect was received.

THE PRESIDENT: We will recess for fifteen minutes.

(Whereupon, at 1445, a recess was taken until 1500, after which the proceedings were resumed as follows:)

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MARSHAL OF THE COURT: The International Military Tribunal for the far East is now resumed.

THE PRESIDENT: M: . Comyi 5 Carr.

BY MR. COMYNS CARR (Continued):

Q General MINAMI, I was asking you about the alleged riot of Chinese troops in Tientsin mentioned on page 10 of your affidavit. You say that you received reports from somebody to that effect. Where are they?

THE MONITOR: Mr. Comyns Carr, are you referring to the reports or the men making the reports?

MR. COMYNS CARR: The reports first of all.

A Are you asking me where those reports are now?

Q Yes.

A They were probably in the War Ministry. I do not know whether or not they have been preserved.

Q You say that this riot was in the later part of November.

A That is how I have been informed.

Q Actually, isn't it true that the incident occurred on the 8th of November?

A I do not recall, but I do recollect that there were two. The first riot took place as a result of some misunderstanding; and I have been in-

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formed that soon after, or shortly afterwards, the misunderstanding was cleared and the matter settled.

Q Isn't it the truth, as stated by KUWASHIMA in exhibit 300, that the riot was caused by DOHIHARA bribing certain people to start it?

A I heard of that in this Tribunal, but I do not believe it.

Q And weren't you so informed by SHIDEHARA at the time?

A No. At that time not one single telegram was sent around to us from the Foreign Office, and I did not hear of that from SHIDEHARA; and, as a matter of fact, I heard of it for the very first time in this very Tribunal the other day.

Q Do you understand that exhibit 300 is not something which anybody is saying now but that it is the official report made by the consul-general to the minister?

MR. WARREN: I wish to object to that, your Honor. This witness has stated that it was not received by the cabinet, and I think he is basing his question on a false premise and attempting to get the witness to authenticate a document about which he knows nothing.

THE PRESIDENT: I take Mr. Carr to be drawing

 the witness' attention to the fact, the important fact, that he is speaking of a telegram sent to the Foreign Minister at the time, namely on the 17th of November, 1931.

MR. WARREN: If that is what he has in mind, there is no objection; but that is not what he said.

MR. COMYNS CARR: It is exactly what I said, your Honor. And, may I point out that my friend is a little bit 'ard to please. When I based a question upon a similar document which has not yet been exhibited, they tried to insist that I should show it to the witness in order that he might authenticate it. Now that I base one on a document which has been exhibited, they object to my putting it to him because they say 'm trying to get him to authenticate it.

MR. WARREN: The witness has just testified that he never saw this document, your Honor, and counsel is attempting to increase the credibility of this document by his own statement that, assuming that we may at a later time attack. its authenticity, which is entirely probable, as I think, at the present time.

THE PRESIDENT: It is a revelation to us,

I am sure, that you are going to attack the existence
of this telegram, but you may do so. The contents

is another question.

MR. COMYNS CARR: At present, it is certified as an official document from the archives of the Japanese Foreign Office, and I am not aware that that statement was challenged when it was introduced.

BY MR. COMYNS CARR (Continued):

Q Now, did you know that DOHIHARA had been in Tientsin from at least as early as the 2nd of November?

A I do not remember the date, but I do know that he was in Tientsin some time in November.

Were you informed that he went to the consulate and said that this Manchurian state of affairs was brought to its present condition solely by the activities of military authorities in Manchuria?

A No. As a matter of fact, there would be no case of such a report coming to the attention of the War Minister. DOHIHAMA would be given the order -- would be despatched by order of the commanding general of the Kwantung Army, and such a report would not come to us at the War Ministry. He belongs to a different chain of command.

Q Did you know that DOHIHARA seized the opportunity of this riot that I have been asking you about to take Pu-Yi to Dairen?

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. A I do not know.

MR. WARREN: Your Honor, on these questions, if counsel is referring to a document or an exhibit or to a witness which he intends to introduce at a later time, we feel we are entitled to know it.

Otherwise, we are assuming facts which are not in evidence; and, if it is not binding on my client, it should not be brought in here at this time.

THE PRESIDENT: The cross-examination is within the rule, as I have stated it. In fact, some of my colleagues think I did not state it broadly enough.

MR. COMYNS CARR: In this particular case, your Honor, I have already indicated that the whole of the questions I am putting are based upon exhibits 289 to 294, inclusive, 300, and I will add another: 2,196.

THE PRESIDENT: There is no need to tender even for identification any document not referred to.

BY MR. COMYNS CARR (Continued):

Q Did you know that, for some days before the actual removal of Pu-Yi, Consul General KUWASHIMA was warning the Foreign Ministry that DOHIHARA had stated his intention of removing Pu-Yi to Dairen?

A Yes, I heard of that for the first time in

this Tribunal.

Q But I am suggesting to you that you were informed of it at the time and asked to stop it.

A No.

the resolution you spoke of on page 7, that the Kwantung Army should be warned not to do that very thing, where you say, to quote your exact words, "and especially that those in favor of restoring the Ching Dynasty had started vigorous activities, and we were concerned less the army on the spot should be dragged into such activities." Now, here we have reports coming to the Foreign Ministry that the army on the spot, in the person of DOHIHALA, was forenting those very activities. Do you say you knew nothing about it?

ceived at that time from KUWASHINA, Consul General in Tientsin, by the Foreign Office, I had not heard at that time either from the Foreign Office or from SHIDEHARA. However, there were at that time various remors coming from various sources and directions.

I cannot put my finger on any particular one; but, because of those rumors, instructions were transmitted to the Kwantung Army not to involve themselves

in the politics of Manchuria, not to interfere with the internal affairs of Manchuria. You knew, I suppose, that they did, in fact, bring Pu-Yi to Dairen, didn't you? I received the report that Pu-Yi arrived in Yingkow, I think, on or about the 11th of November. The report was not to the effect that he had been taken out but that he had been brought to -- that he has come to Manchuria at his own desire. 10 Q You knew, I suppose, that he had come from 11 Tientsin, didn't you? 12 Yes. I received a report from Tientsin 13 that he arrived at Yingkow on the 11th. 14 And --Q 15 THE MONITON: Just a moment, please, Mr. Carr: Came from Tientsin on the 11th. 17 (Continuing) Did you make any inquiries as to how he got there? 19 At that time I did not. 20 You knew DOHIHAMA was in Tientsin at that 21 very time, didn't you? 22 A Yes. 23 Didn't it occur to you to connect the two 24 events together? That did not occur to me.

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Q What did you think DOHIHAMA was up to in Tientsin?

MR. WARDEN: Your Honor, I wish to object to that question. It is calling for a conclusion of this witness. He is on what we call in the United States a fishing expedition, that's all.

MR. COMYNS CARR: Your Honor, I would submit that there must be some limit to the useless and sometimes offensive interruptions from defense counsel.

THE PLESIDENT: I think it is a fair question to ask of the Minister of War what one of his officers was doing in Tientsin.

MR. WARREN: Your Honor, this witness has testified that DOMIHAMA was not one of his officers; he was under another chain of command. And I actually resent the remarks of counsel the same as he resents mine.

THE PRESIDENT: I do not regard it as a fishing question but the seeking of an explanation from the witness of the presence of DOHIHARA in that city, an explanation by the War Linister who has overall authority.

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MR. COMYNS CARR: Then may I suggest that interruptions should at least come from only one defense counsel.

THE PRESIDENT: Captain Brooks is defending the witness.

MR. BROYS: If your Honor please, I believe that the prosecution's evidence does show that the Tar Minister does not have such over-all authority; it is different in Japan than it is in some other nations. I believe your evidence will show that.

MR. COMYNS CARR: On the contrary, it shows the exact opposite.

TR. BROOKS: The evidence shows, I believe, that the chief of staff had the over-all authority that was normally in our war ministry, but I think that is clear if a check of the record is made.

THE PRESIDENT: At least one of my colleagues thinks that fishing questions are allowed on cross-examination and it may be the English common law would permit it. These are matters upon which you will find differences of opinion among members of any bench, of course. I don't know what the American system allows.

The objection is overruled.

Q Now, General MINAMI, would you answer the question: What did you think General DOHIHARA was

doing in Tientsin? What did you think at the time DOHIHARA was doing in Tientsin in November 1931?

I believe that DOHIHARA was dispatched to Tientsin by the order of the commanding general of the Kwantung Army on a particular assignment or a special assignment on certain subjects given him by the cemmanding general.

Q Did you ever see the order?

A No. No, but we made -- the observation was made at the time that he had gone to Tientsin for the purpose of collecting intelligence.

Q You have told us that you heard rumors that he had gone there in connection with Pu-Yi, getting Pu-Yi to Manchuria. Did you investigate those rumors?

THE PRESIDENT: We prefer one American Counsel to handle the objections.

MR. WARREN: If the Court please -THE PRESIDENT: Captain Brooks is the nearest
to the witness. He is defending him.

MR. WARRIN: If your Honor please, will I be denied the right to make an objection on behalf of my client DOHIHARA? That is what I am doing.

THE PRESIDENT: I said the Court would prefer.

I used that expression advisedly. I am not dealing with rights.

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MR. WARREN: I am sorry, sir. I am not making an objection unless I feel it necessary. But this witness did not testify, so far as we can recall, in the manner which counsel said that he did and it affects my client and that is the reason I am making the objection.

MR. COMYNS CARR: I recollect that he did. Perhaps my fri nd wasn't listening.

Q Now, Jeneral MINAMI, would you tell us when you heard the rumors that you have told us about, that DOHIHARA was in Tientsin in connection with the matter of Pu-Yi, did you make anything -- any inquiries as to their truth?

A I did not make any inquiries, but, realizing that such a thing should not be tolerated or that such a thing should not be made to happen, instructions were sent to the commanding general of the Kwantung Army.

Q You mean, do you, additional instructions in November 1931 over and above those that you told us had been sent in September?

A Yes.

Q Vere those in writing?

THE MONITOR: Correction on the last enswer from the witness: "A warnin" was sent to the commanding

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24 25 general of the Kwantung /rmy in the fear that no mistake should be made " instead of "such  $\varepsilon$  thing shall not be tolerated" and so forth.

Q Were these additional instructions in November in writing?

I think so because the custom was to send a telegram first and follow it up with an official document.

Q Do you know whether any steps were taken by the Kwantung Army in response to those instructions?

Yes, I thought at the time that such measures were taken by them.

Did you receive from any source -- did you hear of Consul-General HAYASHI's report as to the remarks of commander HONJO on receiving those instructions?

A No.

Do you know that Commander HONJO said that he had instructed ITAGAKI to notify the Tientsin garrisen that they were not to hurry about the Emperor coming to Manchuria as the time was not yet sufficiently ripe?

I do not recall whether or not such a report had been received from the commanding general of the Kwantung Army.

Q ras your instruction to him that it should not

be done at all or merely that it should be postponed because the time was not sufficiently ripe?

It was instructions that it should not be done.

Then would you regard the commanding general as sufficiently obeying your instructions --

Yes, I de so believe.

Let me finish the question -- if he merely ordered that it should be postponed because the time was not sufficiently ripo?

Yes, I would believe that he was not conforming with my instructions.

Well, now, did you ever take any really disciplinary measures to compel the leaders of the Kwantung Army to carry out the orders they were getting from Tokyo?

No.

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Q I see at the top of page 10 of your affidavit you say that on one occasion in connection with the bombing of Chinchow, you immediately issued a severe warning to Commander HONJO. Hadn't you had sufficient experience to know that warnings weren't much good?

A Because I issued a warning they did not go to Chinchow.

Well, I won't go over that ground again. I went over it yesterday. But I want to suggest to you that if you really wanted to put a stop to the expansion of this incident in Manchuria and to the setting up of an independent government, you knew that the only way to do it was to recall the responsible officers and appoint men who would obey orders.

A Legally speaking, that may be so. But my precept was to trust those whom I commanded, believing that if instructions were issued or orders given, those instructions or orders would be implicitly complied with. And as far as Chinchow was concerned, the advance on that place was stopped. But being under the jurisdiction of the High Command, this stop order was sent through the Chief of the Army General Staff.

Q Did you inform this gentleman (indicating) who interrogated you on the 22d of January, 1946, that General HONJO was responsible to the Minister of War?

Did you say so?

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A You mean in connection with military administration?

Q Not in connection with anything in particular, but generally.

A He was under the Minister of War in connection with matters pertaining to military administration. But with respect to operations and disposal of troops, he was under the command of the Chief of the Army General Staff.

- Q And DOHIHARA was under him, was he not?
- A Yes, he was under HONJO.
- Q And so was ITAGAKI, in theory at least?
- A Yes.
- Q And ISHIHARA?
- A The same.

Q You could have removed them all if you had wanted to, couldn't you?

A With respect to the present question, I have an entirely opposite idea. All of these officers were loyal to their duties and did not engage in any activities of their own will, and, therefore, they acted under the control of their Commanding General, HONJO, and it is necessary for me only to supervise General HONJO. And that is in so far as military.

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administration is concerned.

Q Now will you answer the question. Could you not have removed HONJO, DOHIHARA, ITAGAKI and ISHIHARA, or any of them, if you had wanted to?

Yes, I can recall them, but I did not recognize the need.

Q Exactly. And that was because, as you told the interrog tor -- exhibit 2207, page 2 at the top -- that you approved of the action which General HONJO took?

A Yes.

Q Now, you resigned, handed in your resignation, on the 10th of December. But in case there is any point in the objection which was taken yesterday, in accordance with the usual custom did you retain your office until your successor took charge on the 13th of December?

A Yes.

Q Now, at the bottom of page 11 of your affidavit you say: "After my resignation from the office of War Minister, I was given the obscure post of Supreme War Councillor. There was nothing to do except to assemble about twice a year to hear lectures given by the military authorities."

A Yes, I said so.

administration is concerned.

Q Now will you answer the question. Could you not have removed HONJO, DOMIHARA, ITAGAKI and ISHIHARA, or any of them, if you had wanted to?

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Q Now, at the bottom of page 11 of your affidavit you say: "After my resignation from the office of War Minister, I was given the obscure post of Supreme War Councillor. There was nothing to do except to assemble about twice a year to hear lectures given by the military authorities."

A Yes, I said so.

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Q Was it true?

Q Didn't you give lectures as well as hearing them?

A No.

Q And didn't you advise your successor, as a Supreme War Councillor?

A No.

Q Do you remember telling the gentleman who interrogated you on the 18th of March of last year that you occasionally at the meetings of the Supreme War Council advised your successor in the War Ministry, advised the War Minister?

A I do not think that I made any such statement.

THE PRESIDENT: We will adjourn until halfpast nine tomorrow morning.

(Whereupon, at 1600, an adjournment was taken until Tuesday, 15 April 1947, at 0930.)

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